

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ NOV - 2 2017 ★

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COLONEL MAURICE MAYNARD
MEYERS,

BROOKLYN OFFICE

Plaintiff,

-against-

THE HEALTH AND HOSPITAL
CORPORATION, d/b/a KINGS COUNTY
HOSPITAL CENTER; CITY OF NEW
YORK; STATE OF NEW YORK; UNITED
STATES OF AMERICA; ANN MARIE T.
SULLIVAN, in her official capacity as
Commissioner of the New York State Office
of Mental Health; and WILLIAM
BRATTON, in his official capacity as
Commissioner of the New York Police
Department,

NOT FOR PUBLICATION

ORDER

14-CV-7448 (CBA) (LB)

Defendants.¹
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AMON, United States District Judge:

The Court has received the Report and Recommendation (“R&R”) of the Honorable Lois Bloom, United States Magistrate Judge (“Magistrate Judge Bloom”), for the instant action filed by Plaintiff Colonel Maurice Maynard Meyers. The only claims remaining in the case are Plaintiff’s constitutional challenges against Defendants City of New York, Ann Marie T. Sullivan, and William Bratton. (See D.E. # 43.) The Court referred motions to dismiss filed by the three Defendants, (D.E. dated Mar. 20, 2017), and on August 23, 2017, Magistrate Judge Bloom recommended in her R&R that the Court grant the motions and dismiss the remaining claims, (D.E. # 92).

¹ Although Plaintiff’s initial Complaint lists only The Health and Hospitals Corporation, doing business as Kings County Hospital Center, as the Defendant, the Court has liberally construed the Complaint as asserting claims against the City of New York, the State of New York, the United States of America, Bernard Graham, New York State Office of Mental Health Commissioner Ann Marie T. Sullivan, and New York Police Commissioner William Bratton, (see D.E. # 43 at 1 n.1, 23–25). Accordingly, the six additional Defendants have been listed in the caption.

No party has objected to the R&R, and the time for doing so has passed. When deciding whether the adopt an R&R, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the R&R “to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quoting Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)).

Having reviewed Magistrate Judge Bloom’s thorough and careful R&R and the records in the action, the Court finds no clear error and adopts the R&R as the opinion of the Court. Accordingly, the Court GRANTS the motion to dismiss by Defendants City of New York, Ann Marie T. Sullivan, and William Bratton, and the Court dismisses the claims against them.

Pursuant to 28 U.S.C. § 1915(a)(3), the Court DENIES in forma pauperis status for any appeal of this Order adopting Magistrate Judge Bloom’s R&R, because the Court CERTIFIES that any such appeal would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: November 2, 2017
Brooklyn, New York

s/Carol Bagley Amon

Carol Bagley Amon
United States District Judge